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XOOM CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

XOOM CORPORATION, a California
Corporation,

Plaintiff,

vs.

MOTOROLA TRADEMARK
HOLDINGS, LLC, a Delaware limited
liability company, MOTOROLA
MOBILITY, INC., a Delaware corporation,
and MOTOROLA MOBILITY
HOLDINGS, INC., a Delaware
corporation, and DOES 1 through 10
inclusive

Defendants.

Case No. 11-CV-00848 (CRB)

**SECOND CONSENTED MOTION FOR AN
EXTENSION OF SERVICE DEADLINE
AND ~~PROPOSED~~ ORDER**

Plaintiff Xoom Corporation ("Xoom") filed the complaint in this action on February 23, 2011. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Xoom had 120 days, or until June 23, 2011, to serve the summons and complaint. On June 22, 2011 the parties filed a Consented Motion for an Extension of Service Deadline requesting that the service deadline be extended to July 13, 2011. The motion was granted by the Court on June 24, 2011.

The parties hereby request a second extension of the service deadline in this proceeding to August 3, 2011. The parties continue to discuss the dispute. Counsel for Xoom and counsel for Defendants, Kristin J. Achterhof of Katten Muchin Rosenman LLP, have mutually agreed to file this motion to extend the service deadline by 21 days to August 3, 2011. *See* FRCP 6(b)(1)(A)

1 (“When an act may or must be done within a specified time, the court may, for good cause,
 2 extend the time: (A) with or without motion or notice if the court acts, or if a request is made,
 3 before the original time or its extension expires.”); *Henderson v. U.S.*, 517 U.S. 654 (1996) (120
 4 day period for service provided by FRCP 4(m) is extendable). This request has been served by
 5 email on Defendants’ counsel.

6 Given that the parties are in discussions to resolve this matter and that both parties agree
 7 to the extension, there is good cause for the Court to extend the service deadline to August 3,
 8 2011. Accordingly, the parties respectfully request that the service deadline be extended.

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 10 Dated: July 11, 2011

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 ROCHELLE D. ALPERT
 LEIGHA E. WILBUR

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 13 By /s/Rochelle D. Alpert
 Rochelle D. Alpert

14 Attorneys for Plaintiff
 15 XOOM CORPORATION
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[PROPOSED] ORDER

Having reviewed the Consented Motion for an Extension of Service Deadline and finding good cause for the Motion,

IT IS HEREBY ORDERED that the deadline for serving the summons and complaint in this proceeding is extended until August 3, 2011.

IT IS SO ORDERED.

Dated: July 12, 2011

